

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
NORTHERN DIVISION**

**RONALD D. MURRAY, JR.,**

**Plaintiff,**

**vs.**

**JASON LENE, ET. AL.**

**Defendants.**

**Case No. 2:07CV33SNL**

**MEMORANDUM AND ORDER**

Plaintiff has filed this §1983 action alleging that he was falsely accused, jailed and prosecuted for child abduction, following his allegation of child abuse by his ex-wife and her husband in violation of his due process rights. He has also filed state-law claims for malicious prosecution, false arrest, and intentional infliction of emotional distress. This matter is before the Court on defendant Steele's motion to dismiss (#6), filed August 17, 2007 and defendant Director of the Missouri Department of Social Services' motion to dismiss (#14), filed August 24, 2007<sup>1</sup>; defendant Steele's motion to dismiss plaintiff's first amended complaint (#19), filed September 18, 2007 and defendant Director of the Missouri Department of Social Services' motion to dismiss plaintiff's first amended complaint (#21), filed September 18, 2007.<sup>2</sup> Plaintiff filed a responsive pleading to Motions #6 and #14, as well as a first amended complaint. As of today's date, plaintiff has failed to file a responsive pleading to Motions #19 and #21.

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<sup>1</sup>These motions are directed to the plaintiff's original complaint filed on July 13, 2007.

<sup>2</sup>This case was reassigned to this Court on October 23, 2007 with the above-referenced motions pending. *See*, Court Order #29.

As for the defendants' motions to dismiss regarding the plaintiff's original complaint, these motions will be denied as moot in light of the filing of the first amended complaint.


After careful review of the defendants' motions to dismiss the plaintiff's first amended complaint and supporting memoranda of law, the plaintiff's first amended complaint, and the relevant caselaw, and in light of the plaintiff's failure to respond to the subject motions, the Court will grant them for the grounds stated therein.

Accordingly,

**IT IS HEREBY ORDERED** that defendant Steele's motion to dismiss (#6) and defendant Director of the Missouri Dept. of Social Services' motion to dismiss (#14) be and are **DENIED AS MOOT**.

**IT IS FINALLY ORDERED** that defendant Steele's motion to dismiss (#19) and defendant Director of the Missouri Dept. of Social Services' motion to dismiss (#21) be and are **GRANTED**. All federal claims, as contained in the plaintiff's first amended complaint, are hereby **DISMISSED WITH PREJUDICE** against these two (2) defendants. The Court hereby declines to exercise supplemental jurisdiction, pursuant to 28 U.S.C. §1367(c)(3), over these two (2) defendants.

Dated this 31st day of October, 2007.

  
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SENIOR UNITED STATES DISTRICT JUDGE